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NSAE-00 IO-04 DODE-00 PRS-01 L-02 PM-03 RSC-01 RSR-01
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R 241059Z JUN 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 6577
INFO AMEMBASSY BANGKOK
CINCPAC
AMCONSUL DANANG
USDEL FRANCE
AMEMBASSY PHNOM PENH
AMEMBASSY VIENTIANE

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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Dean Szulczy DATE 1/26/82
RDS☐or XDS☐EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☑
RELEASE DENIED☐
PA or FOI EXEMPTIONS

C O N F I D E N T I A L SECTION 1 OF 2 SAIGON 10019

LIMDIS

CINCPAC FOR POLAD

SUBJ: PRESIDENT THIEU'S SIGNING OF THE PRESIDENTIAL ELECTION LAW

REF: A. SAIGON 9951
B. SAIGON 8688
C. SAIGON 8462

1. SUMMARY. PRESIDENT THIEU'S PROMULGATION OF THE PRESIDENTIAL ELECTION LAW JUNE 23 SETS THE GROUND RULES FOR THE COMING ELECTION AND PROBABLY WILL BE FOLLOWED SHORTLY BY FORMAL ANNOUNCEMENTS BY THE CANDIDATES AND MORE OVERT CAMPAIGNING. IT NOW LOOKS AS IF THIEU, MINH AND PROBABLY KY WILL BE ABLE TO RUN, ALTHOUGH THE POSSIBILITY REMAINS THE CHALLENGERS MAY LATER WITHDRAW FROM THE RACE. END SUMMARY

2. THERE HAVE BEEN MANY RUMORS FLOATING AROUND SAIGON IN THE COUPLE OF WEEKS SINCE THE JUNE 3 LOWER HOUSE PASSAGE OF THE PRESIDENTIAL ELECTION LAW THAT PRESIDENT THIEU, SURPRISED AT

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THE VOLUME OF DOMESTIC AND FOREIGN CRITICISM OF THE ENDORSEMENT PROVISION, WOULD SUBMIT MODIFYING AMENDMENTS. SOME REPORTS SAID HE WOULD DIMINISH THE NUMBER OF ENDORSEMENTS REQUIRED FROM 40 NATIONAL ASSEMBLYMEN OR 100 PROVINCIAL COUNCILORS TO PERHAPS 20/50, OR WOULD INCLUDE EXEMPTIONS FOR FORMER CHIEFS OF GOVERNMENT OR GIVE A SPECIAL STATUS TO VALIDATED POLITICAL PARTIES IN THE PROCESS OF SPONSORING CANDIDATES. HOWEVER, PRESIDENT THIEU JUNE 23 SIGNED INTO LAW THE ORIGINAL LOWER HOUSE VERSION WHICH HIS AGENTS HAD PERSUADED OR BRIBED THE DEPUTIES TO UPHOLD OVER THE UPPER HOUSE VERSION DELETING THE ENDORSEMENT PROVISION. (FULL TEXT OF LAW AND A SHORT SUMMARY AND TIMETABLE FOLLOWS BY AIRGRAM.)

3. PROBABLY THE MAJOR REASON THE PRESIDENT DESIRED TO INCLUDE THIS PROVISION WAS TO ENABLE THE WINNING CANDIDATE TO ENJOY A MAJORITY MANDATE FROM THE VOTERS. HE HAS CLEARLY RESENTED THE FREQUENT CHARGES THAT HE IS ONLY A MINORITY PRESIDENT. PROBABLY A MAJOR SECONDARY FACTOR, HOWEVER, WAS THE HOPE OF FORCING VICE PRESIDENT KY OUT OF THE RACE. THEY DISLIKE EACH OTHER, KY CUTS INTO THIEU'S NATURAL CONSTITUENCY, AND THE PRESIDENT PROBABLY FELT THE BEST APPEARING AND LEAST VINDICTIVE CAMPAIGN WOULD BE A RACE BETWEEN HIMSELF AND MINH. HAVING STRIVEN SO HARD FOR THIS VERSION OF THE LAW, THE PRESIDENT MAY HAVE FELT IT HARMFUL TO HIS PRESTIGE TO ATTEMPT TO AMEND THE LAW.

4. IN DEFENSE OF THE ENDORSEMENT PROVISION, IT CAN BE POINTED OUT THAT MOST VIETNAMESE CONSIDER THE LARGE NUMBER OF CANDIDATES IN THE 1967 ELECTION (11) AS RIDICULOUS AND HAVE FAVORED SOME PROVISION TO RESTRICT THE RACE TO SERIOUS CANDIDATES. IN FACT THERE ARE NOW ONLY THREE SUCH CANDIDATES, THIEU, MINH AND KY, WITH ONLY THE FIRST TWO HAVING A REAL POSSIBILITY OF WINNING.

5. SOURCES IN THE KY AND MINH STAFFS HAVE CONFIRMED TO US THAT THERE IS AN INFORMAL AGREEMENT BETWEEN THEM WHEREBY MINH'S FOLLOWERS WILL GATHER ENDORSEMENTS IN THE NATIONAL ASSEMBLY AND KY'S SUPPORTERS AMONG THE COUNCILMEN. KY IS SCRAMBLING HARD FOR SUCH ENDORSEMENTS, TRYING TO OBTAIN PLEDGES AS EARLY AS POSSIBLE. IT IS NOT CLEAR HOW MANY HE HAS YET, ALTHOUGH KY SUPPORTERS CLAIM THEY ARE CLOSE TO 100 ALREADY. ALSO IN QUESTION IS WHETHER THE COUNCILMEN WILL STICK TO THEIR PRELIMINARY PLEDGES LATER WHEN THEY HAVE TO CERTIFY THEIR SIGNATURES BEFORE THE MAYOR OR PROVINCE CHIEF. SO FAR WE HAVE LITTLE INDICATION THAT THE

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EXECUTIVE IS TRYING ACTIVELY TO INTERFERE WITH KY'S GATHERING OF SPONSORS. AS OF NOW WE ESTIMATE THAT, IF THE AGREEMENT WITH MINH DOES NOT BECOME UNSTUCK, KY CAN QUALIFY UNDER THE LAW.

6. MINH SHOULD BE ABLE TO QUALIFY RATHER EASILY WITH SIGNATURES OF DEPUTIES AND SENATORS. HE HAS MAINTAINED PUBLICLY HE CONSIDERS THE PROVISION UNCONSTITUTIONAL, BUT NOW HE SEEMS TO BE PUTTING MORE STRESS ON CONDITIONING HIS POSSIBLE WITHDRAWAL ON WHETHER THE ELECTION IS FAIR OR NOT, RATHER THAN BUILDING UP THE ALLEGED UNCONSTITUTIONALITY OF THE LAW AS A POSSIBLE FUTURE PRETEXT FOR PULLING OUT OF THE RACE. MINH NOW IS ACTING FULLY LIKE A CANDIDATE. THERE STILL REMAINS IN OUR OPINION, HOWEVER, A SIGNIFICANT POSSIBILITY MINH OR KY OR BOTH MAY WITHDRAW LATER, WITH THE ENDORSEMENT PROVISION STILL CONCEIVABLY AN EXCUSE.
BERGER

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CIAE-00 NSAE-00 DODE-00 PRS-01 L-02 PM-03 RSR-01
RSC-01 /069 W
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C O N F I D E N T I A L SECTION 2 OF 2 SAIGON 10019

LIMDIS

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7. THE PRO-MINH SOCIETY BLOC IN THE LOWER HOUSE HAS STATED THAT IT WILL ASK THE SUPREME COURT PROMPTLY FOR A DECISION ON THE CONSTITUTIONALITY OF THE ENDORSEMENT PROVISION. WE BELIEVE THE PROVISION IS NOT UNCONSTITUTIONAL, AND SEVERAL JUSTICES OF THE SUPREME COURT HAVE INDICATED TO US THEY SHARE THIS VIEW. ALSO, TI WOULD TAKE SEVEN JUSTICES OUT OF NINE TO DECLARE THE LAW UNCONSTITUTIONAL. THUS IT IS UNLIKELY THE COURT WOULD FIND THE ENDORSEMENT PROVISION UNCONSTITUTIONAL.

8. THE ELECTION LAW SPECIFIES A CAMPAIGN PERIOD OF ONLY 30 DAYS BEFORE THE ELECTION DATE OF OCTOBER 3. ALREADY, HOWEVER, ALL THREE CANDIDATES ARE ENERGETICALLY CAMPAIGNING IN THEIR OWN WAYS AND WE MAY EXPECT FORMAL ANNOUNCEMENTS OF CANDIDACY AND THE NAMING OF THE VICE PRESIDENTIAL AND SUPPLEMENTAL VICE PRESIDENTIAL CANDIDATES SOON. ALTHOUGH THE DEADLINE FOR FILING CANDIDACIES WITH THE SUPREME COURT IS AUGUST 4 (60 DAYS BEFORE ELECTION DAY), CANDIDATES WILL NEED TO MAKE THEIR ANNOUNCEMENTS

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EARLY ENOUGH TO GO THROUGH THE PAPERWORK OF OBTAINING FORMAL ENDORSEMENTS.
BERGER

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ORIGIN/ACTION

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ARA	EUR	FE
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AGR	COM	FRB
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TR	XMB	AIR 5
ARMY 3	CIA 16	NAVY 5
OSD 34	USIA 10	NSA 3
	INSC 6	

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DEPARTMENT OF STATE

AIRGRAM

1466 (1467)

Pol 14 VIET S

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A-92 NO. UNCLASSIFIED HANDLING INDICATOR

TO : Department of State

INFO : BANGKOK, CINCPAC FOR POLAD, DANANG, USDEL FRANCE (2), VIENTIANE

FROM : Amembassy SAIGON DATE: June 30, 1971

SUBJECT : Presidential Election Law

REF : Saigon 9951

1971 JUL 13 DEPARTMENT OF STATE

1. The first enclosure to this airgram is an unofficial Embassy translation of the Presidential Election Law which was signed by President Nguyen Van Thieu on June 23, 1971. The law promulgated follows the original Lower House version and includes the controversial Article 10, Paragraph 7, which requires prospective candidates to obtain the official endorsement of 40 Deputies and Senators or of 100 municipal and provincial councilmen.

2. Also enclosed are a brief summary of the law and a schedule of events based on the law.

BUNKER

Enclosures:

1. 1971 Presidential Election Law
2. Brief Summary of the Presidential Election Law
3. Schedule of Events - 1971 Presidential Election Law

Action taken

Date of Action: 7/14/71 EA/VN

Action Office Symbol

Name of Officer

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FORM DS-323 4-62

Drafted by: POL:RSThompson/JNath/ep

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